

# NATURAL RESOURCES BOARD

## MINUTES

The regular meeting of the Natural Resources Board was held Wednesday, March 29, 2000 in Room 027 of the State Natural Resources Building (GEF 2), 101 South Webster Street, Madison, Wisconsin. The Board convened at 8:30 a.m.

PRESENT: Trygve A. Solberg, Chair  
James E. Tiefenthaler, Vice-Chair  
Gerald W. O'Brien, Secretary  
Howard D. Poulson  
Stephen D. Willett

ABSENT: Herbert F. Behnke

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### ORDER OF BUSINESS

1. Minutes to be approved.

1.A Full Board Minutes of February 22-23, 2000.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, approval of the minutes as presented. The motion was carried unanimously by those members present.

1.B Agenda for March 29, 2000.

Secretary Meyer advised the Board that Item 3.C (informational item on navigability and drainage ditch issues) was being postponed until April. In addition, he asked that Item 6.A-4 (informational item on groundwater) be moved up to replace Item 3.C. With those changes, Mr. Poulson MOVED, seconded by Mr. Tiefenthaler, approval of the March 29, 2000 agenda. The motion was carried unanimously by those members present.

2. Ratification of acts of the Department Secretary.

2.A Real estate transactions.

Mr. Willett MOVED, seconded by Mr. O'Brien, approval of the real estate transactions, as presented. The motion was carried unanimously by those members present.

3. Committee of the Whole.

3.A Presentation of the 2000 Registered Laboratory of the Year Awards.

Jack Sullivan, Chief of Environmental Science Services Section, Bureau of Integrated Science Services, and Secretary George Meyer presented this item. The Kohler Company's Chemical and Metallurgical Testing Laboratory, located in Kohler, received the award for the Large Registered Facility category and the City of Marathon Wastewater Treatment Plant Laboratory received the award for the Small Registered Facility category.

The Kohler Company's Lab was chosen for the following reasons: The lab frequently uses an inductively coupled plasma (ICP) spectrometer for trace metals analysis. When potential interferences (which may provide inaccurate results) are identified, the final result can be corrected mathematically to yield a result that is statistically more accurate, but still is an approximation. The Kohler laboratory staff chooses to deal with such samples by reanalyzing them by using a graphite furnace spectrometer and applying the method of standard additions.

Although a much more labor-intensive technique and requires more attention to detail, it also yields more accurate results than the corrected ICP technique.

The laboratory's staff promptly and comprehensively addressed the deficiencies identified during a June 1999 on-site evaluation of the facility. Typically, it takes several months for a laboratory the size of Kohler's to correct deficiencies identified; Kohler's audit case was closed only forty days after issuing the evaluation report.

The City of Marathon Wastewater Treatment Plant Laboratory was chosen for the following reasons: The laboratory demonstrates its desire to surpass minimum compliance requirements by performing analysis of replicate samples at a greater frequency than required for both raw and treated samples. The lab has also demonstrated excellent performance on blind samples by routinely obtaining results much closer to the true concentration than necessary for a passing grade. The lab invested significant effort to quickly correct the few deficiencies the Department noted during the facility's June 1999 on-site evaluation.

### 3.B Presentation of the Hunter Ethics Award.

Tom Harelson, Director, Bureau of Law Enforcement, explained that Warden Supervisor Steve Dewald of LaCrosse, in a partnership with Bob Lamb and Jerry Davis of the LaCrosse Tribune created the Wisconsin Hunter Ethics Award in 1997. Messrs. Lamb and Davis have served as the nomination review committee for all nominations since the award's inception. This award was established to recognize Wisconsin hunters who have exhibited the highest standards of ethical behavior toward others while hunting in Wisconsin. The award's creators believe that while poaching arrests grab the headlines, the vast majority of hunters are ethical, law-abiding individuals. The adopted theme of the award is; "Hunters who are helping others, or hunters engaged in behavior that reflects positively on the sport of hunting, rather than doing something for personal gain."

This year's Hunter Ethics Award was presented to Dr. Gregory Highstrom of Cedarburg for his work in hunter education. Dr. Highstrom created a hunter safety program in the Cedarburg area, certifying eight additional instructors. The success of the program is evident by the donations the program receives from local businesses and state wildlife chapters that donate various items to each student, including trigger locks and gun cleaning kits. He offers his own land in the Waupaca area, not only to his classes, but also to other hunter safety, 4-H and Boy Scout groups as well.

### 3.C INFORMATIONAL ITEM – Navigability and drainage ditch issues.

This item was postponed until the April Board meeting.

### 3.F Retirement resolutions.

1. Stan Druckenmiller.
2. Albert Dullinger.
3. Larry Gregg.
4. Merle Lange.
5. Audrey Peterson.
6. Jon Peterson.
7. Paul Stone.
8. Thomas Thuemler.
9. Robert Uhren.
10. Frank Vanecek.
11. Norbert Vissers.

Secretary Meyer reviewed the careers of each retiree and commended them for their excellent years of service to the Department and to the State of Wisconsin. Mr. Tiefenthaler MOVED, seconded by Mr. Willett, adoption of the retirement resolutions. The motion was carried unanimously by those members present.

4. Board Members' Matters.

4.A Feasibility studies for Department properties.

Mr. Poulson called attention to the Manitowoc River Feasibility Study and inquired if the Department was planning to complete a feasibility study on all rivers of the state. Secretary Meyer recalled the Board's adoption of a plan on what feasibility studies were going to be completed and it was recollection that the Manitowoc River study is a carryover from the 5-year plan of the last Stewardship Program. As the Department goes forward with the next Stewardship Program, Secretary Meyer said there may be proposals brought to the Board for approval to conduct new feasibility studies, but it would be part of a long-range plan.

4.B Attendance at the nonpoint source pollution abatement program hearings.

Mr. Poulson noted there were over 1,000 farmers in attendance at the DNR nonpoint hearings. Although he didn't have a count on farmer attendance at the DATCP hearings, he felt it was good. Mr. Poulson noted that the Farm Bureau put together a 3-page summary of its synopsis of the 450-page rule proposal. Mr. Poulson indicated that it brought out the points he felt were necessary for the various discussions.

5. Special Committees' Reports.

There were no Special Committees' Reports this month.

6. Operating Committees.

6.A Air, Waste and Water/Enforcement Committee.

6.A-1 Minutes. There were no minutes for February since all agenda items were taken up during the Full Board Meeting.

6.A-2 Approval of the Laboratory Certification Program's budget and fee schedule for FY2001.

Jack Sullivan explained that Section 299.11 of the Statutes authorizes the Department to promulgate a graduated schedule of fees designed to recover the costs of administering the Laboratory Certification and Registration Program. The Department recommends that the Board approve the Program's proposed \$539,100 budget and associated fee schedule for FY 2001. Under this proposal, the Department will collect fees sufficient to operate the Program as its \$539,100 statutory expenditure authority; and the cost per relative value unit will increase from \$42.50 to \$47.00. This will result in FY 2001 fee increase of \$266.00 for typical certified commercial laboratories and \$63.00 for typical registered wastewater treatment laboratories.

Mr. Willett MOVED, seconded by Mr. Poulson, approval of the Department's recommendation on the Laboratory Certification Program's budget and fee schedule for FY 2001. The motion was carried unanimously by those members present.

6.A-3 Authorization for hearing on revision of Chapter NR 190, Wis. Adm. Code, pertaining to lake management planning grants.

Carroll Schaal of the Bureau of Fisheries and Habitat Protection, presented this item. The Department proposes amendments to NR 190 to implement changes to the enabling legislation,

s. 281.68, Wisconsin Statutes, and address other program needs. Changes in the statute allow for a broader range of eligible activities than enabled under the water quality focus of the original law. The key feature of the revision is the creation of subcategories for small and large-scale projects. Small-scale projects have a per project grant maximum of \$3,000 and comprise the most significant changes to the rule while the large-scale subcategory retains most of the features of the existing program. In this restructuring, the priority for awarding grants has been reworked in addition to making several housekeeping changes. Mr. Schaal noted that the proposal has been discussed with the Wisconsin Association of Lakes and over 45 past grant recipients who attended three listening sessions on December and January. He added that response to the concept was very positive.

Mr. Willett MOVED, seconded by Mr. Poulson, that the Board authorize public hearings. The motion was carried unanimously by those members present.

6.A-4 INFORMATIONAL ITEM – Basics of Wisconsin’s groundwater.

Mike Lemcke, Groundwater Management Section Chief in the Bureau of Drinking and Groundwater, presented an informational item on groundwater movement, behavior and protection. He was assisted by Jim Peterson Professor at UW-Extension, who explained the complexities and nature of groundwater supply and flow. Mr. Lemcke also presented a video on wellhead protection titled “An Ounce of Prevention,” written by Janet Hutchens and directed by Mary Farmiloe of the Bureau of Communication and produced by Dave Lindorff of the Bureau of Drinking Water and Groundwater.

6.B Land Management, Recreation and Fisheries/Wildlife Committee.

6.B-1 Minutes. There were no minutes for February since all agenda items were taken up during the Full Board Meeting.

6.B-2 Board resolution in support of H.R. 701 – The Conservation and Reinvestment Act of 1999 (CARA).

Craig Karr, Administrator of the Division of Customer Assistance & External Relations, presented the proposed Board resolution asking support of H.R. 701 – The Conservation and Reinvestment Act of 1999 (CARA). He said the bill is currently out of committee and waiting to be voted on the House floor. There are over 300 co-sponsors. All of the governors in the country have supported it; mayors; most of the nonprofit groups involved in conservation matters. Mr. Karr asked for approval of the resolution by the Board and the Department would then forward it on to the Wisconsin Congressional Delegation and other House leaders to ask for their votes.

If approved, Wisconsin would receive approximately \$28.4 million annually as follows:

Coastal zone management	\$6.3 million
Federal Land and Water Conservation Funding	\$1.2 million
State Land and Water Conservation Funding	\$8.6 million
Non-game/fish and wildlife	\$6.7 million
Urban Parks	\$1.4 million
Historic Preservation	\$1.9 million
Federal/Indian Lands	\$1.4 million
Conservation Easement/Endangered Species	\$ .4 million
Interest	\$ .5 million

Mr. Poulson noted that the funding is from Off-Shore Drilling revenues and asked if this funding was going to be used to purchase the 8100 acres of farmland near Baraboo. Secretary Meyer indicated that proposal was under existing law through the U.S. Fish & Wildlife Service.

Mr. Poulson expressed opposition to using these funds for this purpose. It was his opinion that 701 should include language on “willing” buyers and sellers. Secretary Meyer said there is no mention of condemnation by the Federal government under 701. Mr. Karr noted that under current wording in 701, Congress still needs to approve the list of projects that would be funded. Secretary Meyer stated that any Federal acquisition in the state has to be approved by the U.S. Congress on an individual basis.

Mr. Poulson asked if the money could be used for other uses such as the nonpoint program. Mr. Karr said there are seven titles to the bill, each having a separate mission. Only one, the Land and Water Conservation Fund is concentrated on land acquisition and development of those lands. Others are focused on education efforts, restoring coastal shorelines, historical preservation, wildlife education and wildlife recreation activities, and nongame species protection.

Peter McKee, Midwest Outreach Coordinator for Americans For Our Heritage and Recreation, spoke in support of the bill and urged the Board to adopt the resolution.

Mr. Tiefenthaler MOVED that the Board adopt the following resolution:

“WHEREAS, in 1999 The United States House of Representatives created H.R.701, the Conservation and Reinvestment Act of 1999 or CARA to assure that all Americans would have access to high quality recreation resources including urban parks, to increase natural resources education, to preserve valuable habitats and their diverse flora and fauna, including endangered species, to enhance the conservation of coastal resources, to preserve historic properties, and to protect and restore resources on federal and Indian lands that are threatened with degradation; and

“WHEREAS, the companion bill in the U.S. Senate is known as S.B. 2123; and

“WHEREAS, the source of CARA funding are investments from annual revenues of offshore gas and oil leases distributed annually to each state based on the population, size of each individual state, and the amount of oceanic or Great Lakes coastline; and

“WHEREAS, CARA has the widespread support of many conservation organizations in Wisconsin including; The Wisconsin Conservation Congress, Wisconsin Audubon Council, Wisconsin Wildlife Federation, Trout Unlimited, DucksUnlimited, Pheasants Forever, Sierra Club, The Nature Conservancy, and Americans For Our Heritage and Recreation, the Wisconsin Parks and Recreation Association; and

“WHEREAS, the passage of CARA , consisting of seven entitlements, would increase the annual expenditures for conservation, recreation, preservation and education efforts in Wisconsin by approximately \$28.4 million; and

“WHEREAS, Title I of CARA would provide \$6.3 million annually in Wisconsin for coastal assistance, including efforts such as conservation, restoration or creation of Great Lakes coastal habitats; and

“WHEREAS, Title II of CARA would revitalize the Land and Water Conservation Fund or LWCF and generate \$1.2 million for the federal share and by \$8.6 million annually for the stateside share for activities such as city, county, state, or federal recreational improvements; and

“WHEREAS, Title III of CARA would enhance by \$6.7 million annually efforts to improve Wisconsin’s conservation, recreation, and education for activities such as habitat management for fishes, creation of wildlife viewing areas, or creation of educational nature walks; and

“WHEREAS, Title IV of CARA would improve Wisconsin urban parks and recreation efforts by \$1.4 million annually; and

“WHEREAS, Title V of CARA would be used to preserve projects on historic properties by \$1.9 million annually in Wisconsin; and

“WHEREAS, Title VI of CARA would provide \$1.4 million annually to restore and protect resources on federal and Indian lands in Wisconsin that are threatened with degradation; and

“WHEREAS, Title VII of CARA would provide \$.4 million annually for conservation easements and endangered/threatened species recovery for species such as the winged mapleleaf mussel that lives only in northwest Wisconsin; and

“WHEREAS, funding for all the seven entitlements addressed by CARA is now dangerously low as a result of the current unstable funding conditions in Wisconsin which depend, for example, on revenues generated by hunting and fishing license sales or donations to the state endangered resources fund; and

“WHEREAS, a source of stable, annual funding for Wisconsin natural resource and recreation needs are addressed by the passage of CARA;

“NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Natural Resources Board sees, as an absolutely critical need, the passage of H.R. 701 and S.B. 2123 and urges all Wisconsin delegates in the U.S. House of Representatives and Senate to co-sponsor this critical legislation, and further urges Congress to quickly enact this legislation in this current session of Congress.

“BE IT FURTHER RESOLVED that copies of this resolution be sent to all members of Wisconsin’s Congressional Delegation and that copies be sent to the House and Senate Leadership.”

Mr. O’Brien seconded the motion. The vote on the motion:

Affirmative – Messrs. Solberg, Tiefenthaler, O’Brien and Willett.

Negative – Mr. Poulson.

Absent – Mr. Behnke.

The motion was carried.

6.B-3 Authorization for hearing on revision of Chapter NR 20, Wis. Adm. Code, pertaining to proposed changes in the northern bass zone.

Mike Staggs, Director, Bureau of Fisheries Management and Habitat Protection, presented information on a proposal to exclude all of Burnett, Washburn, Sawyer, Rusk and Chippewa Counties from the “northern bass zone,” within which the daily bag limit is 0 (catch and release only) from the first Saturday in May to the third Saturday in June. He indicated that the proposal would be presented at a public hearing in either Spooner or Hayward, as soon as practicable.

Mr. O’Brien MOVED, seconded by Mr. Tiefenthaler, that the Board authorize public hearing pertaining to the proposed changes in the northern bass zone. When put to a vote, the motion was carried unanimously by those members present.

6.B-4 Authorization for hearing on revision of Chapter NR 46, Wis. Adm. Code, pertaining to stumpage value adjustments and administration of Forest Crop and Managed Forest Laws.

Ken Hujanen of the Bureau of Forest Management, reviewed the green sheet which proposes the revision of annual stumpage values used to calculate severance and yield taxes due on timber cut during the period from November 1, 2000 through October 31, 2001. Thirteen separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a 1.17 percent increase over current rates. The pulpwood proposed prices are, on the average, 3.86 percent higher compared to current prices.

The proposed rule will also clarify a new Department policy of requiring a new petition for designation when an ownership change has taken place for lands being processed for entry. Lands still under the original ownership will continue to be processed for entry. If the application deadline has passed, the new application will be processed for the following year.

Mr. Hujanen explained that late submissions of tax law transfers, open/closed changes, and withdrawals make it very difficult to process them in a timely manner. Normal transfers have little effect on property taxes other than keeping the records straight between the Department and local town and county officials. Transfers that change the “open and closed” designations on Managed Forest Lands and direct requests to change the designation do change the tax status of lands and must be processed by December 15 each year. Managed Forest Land withdrawals, by statute, must also have an order issued by December 15 to be effective January 1. In each case, Mr. Hujanen said, the Department has requested a two-week lead-time as a due date for the required forms to allow adequate time to process the forms.

Mr. Poulson MOVED, seconded by Mr. Tiefenthaler, approval of this proposal. The motion was carried unanimously by those members present.

6.B-5 Statewide Spring Pond Program land acquisition - Langlade County; and acceptance of \$5,000 donation from Trout Unlimited to be used toward the acquisition.

Dick Steffes, the Department’s Chief Real Estate Officer, reviewed this proposal to purchase 80 acres from Mark and Katherine Bainbridge for \$115,000. The item was submitted to the Board because the purchase price exceeded the appraised value of \$110,000 by \$5,000. Trout Unlimited agreed to donate \$5,000 to the Department to cover the amount over appraised value. The land includes part of Trout Springs and rest of the Spring Pond lies on adjacent state land.

Mr. Tiefenthaler MOVED, seconded by Mr. O’Brien approval of this transaction. The motion was carried unanimously by those members present.

7. Department Secretary's Matters.

There were no Department Secretary’s Matters this month.

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The meeting was adjourned at 11:05 a.m.